



The Commonwealth of Massachusetts

Office of Campaign & Political Finance

One Ashburton Place, Boston 02108

727-8352

Dennis J. Duffin
Director

May 26, 1988
AO-88-18

George T. Riley
License Commission
55 City Hall Plaza
Brockton, MA 02401

Dear Mr. Riley:

This letter is in response to your recent request for an advisory opinion concerning the application of section 13 of M.G.L. c.55 to your political activities as a public employee.

You have stated that you are a public employee employed by the City of Brockton. You receive \$1,000 per year in salary. You wish to serve as Treasurer of the Committee to Elect Paul V. Studenski State Representative.

Section 13 of M.G.L. c.55 states:

"No person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever, but this section shall not prevent such persons from being members of political organizations or committees. The soliciting or receiving of any gift, payment, contribution, assessment, subscription or promise of money or other thing of value by a non-elected political committee organized to promote the candidacy for public office of a person so employed for compensation by the commonwealth or any county, city or town, shall not be deemed to be a direct or indirect solicitation or receipt of such contribution by such person; provided, however, that no such gift, payment, contribution, assessment, subscription or promise of money or other thing of value may be solicited or

George T. Riley
May 26, 1988
Page 2

received on behalf of such a person from any person or combination of persons if such person so employed knows or has reason to know that the person or combination of persons has an interest in any particular matter in which the person so employed participates or has participated in the course of such employment or which is the subject of his official responsibility."

You have inquired as to the applicability of section 13 of M.G.L. c.55 to your serving as treasurer of a political committee.

The key to the applicability of section 13 of M.G.L. c.55 is whether or not you are "employed for compensation" by a governmental entity. Clearly you are an appointed public official of the City of Brockton, and as such an employee of that city. However, it is the opinion of this office that the de minimis annual salary you receive, \$1,000, is not an amount which may be considered "compensation" under the provisions of section 13. Therefore, you would not be prohibited from acting as treasurer of a political committee by the provisions of section 13.

As a practical matter, however, section 15 of M.G.L. c.55 may preclude you from acting in the capacity of treasurer of a political committee. Section 15 states, in pertinent part: "[N]o officer, clerk of other person in the service of the commonwealth or of any county, city or town shall, directly or indirectly, give or deliver to an officer, clerk or person in said service, or to any councillor, member of the general court, alderman, councilman or commissioner, any money or other valuable thing on account of, or to be applied to, the promotion of any political object whatever." Any person in the public service, including the service of the City of Brockton, would be prohibited from giving any money or other things of value to you, either directly or indirectly, on the behalf of Candidate Studenski. We believe it would be very difficult for the treasurer of a political committee, as the chief financial person, to avoid receiving monies from other public officials, including full-time employees such as policemen, firemen and teachers, unless there was an outright ban by the committee on receiving such monies.

In addition, you should be aware of the following provisions in the law which would govern any actions you might take with respect to other public employees:

George T. Riley
May 26, 1988
Page 3

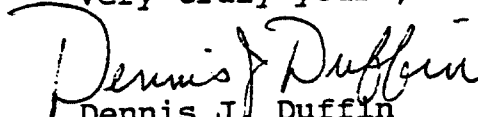
Section 16 of M.G.L. c.55 states: "No person in the public service shall, for that reason, be under obligation to contribute to any political fund, or to render any political service, and shall not be removed or otherwise prejudiced for refusing to do so."

Section 17 of M.G.L. c.55 states: "No officer or employee of the commonwealth or of any county, city or town shall discharge, promote, or degrade an officer or employee, or change his official rank or compensation, or promise or threaten so to do, for giving, withholding or neglecting to make a contribution of money or other valuable thing for a political purpose."

This opinion has been rendered solely on the basis of representations made in your letter and solely in the context of M.G.L. c.55.

Please do not hesitate to contact this office should you have additional questions.

Very truly yours,


Dennis J. Duffin
Director

DJD/ba